

STAYED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01595-RC**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S.
DEPARTMENT OF INTERIOR
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**

represented by **Amy R. Atwood**
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V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Benton Gregory Peterson**
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Date Filed	#	Docket Text
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08/09/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF INTERIOR (Filing fee \$ 400 receipt number 0090-5066842) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons (Proposed) for U.S. Dept. of Interior, # <u>3</u> Summons (Proposed) for U.S. Attorney, # <u>4</u> Summons (Proposed) for Attorney General)(Townsend, Margaret) (Entered: 08/09/2017)
08/09/2017	<u>2</u>	Corporate Disclosure Statement by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 08/09/2017)
08/09/2017		Case Assigned to Judge Rudolph Contreras. (sth) (Entered: 08/09/2017)
08/09/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF INTERIOR, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 08/09/2017)
09/06/2017	<u>4</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against U.S. DEPARTMENT OF INTERIOR filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Redline Comparison to Complaint, # <u>2</u> Summons (Proposed) for U.S. Dep. of Interior, # <u>3</u> Summons (Proposed) for U.S. Attorney, # <u>4</u> Summons (Proposed) for Attorney General)(Townsend, Margaret) (Entered: 09/06/2017)
09/08/2017	<u>5</u>	SUMMONS (3) Reissued Electronically as to U.S. DEPARTMENT OF INTERIOR, U.S. Attorney, U.S. Attorney General. (znmw) (Entered: 09/08/2017)
09/08/2017	<u>6</u>	NOTICE of Appearance by Amy R. Atwood on behalf of CENTER FOR BIOLOGICAL DIVERSITY (Atwood, Amy) (Entered: 09/08/2017)
09/21/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/19/2017. Answer due for ALL FEDERAL DEFENDANTS by 10/19/2017. (Atwood, Amy) Modified dates on 9/22/2017 (znmw). (Entered: 09/21/2017)
09/21/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/21/2017. (Atwood, Amy) Modified date of service on 9/22/2017 (znmw). (Entered: 09/21/2017)
09/21/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF INTERIOR served on 9/20/2017 (Atwood, Amy) Modified date of service on 9/22/2017 (znmw). (Entered: 09/21/2017)
09/22/2017		Set/Reset Deadlines: Answer due by 10/19/2017. (znmw) (Entered: 09/22/2017)
10/19/2017	<u>10</u>	ANSWER to <u>4</u> Amended Complaint, by U.S. DEPARTMENT OF INTERIOR. Related document: <u>4</u> Amended Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY.(Peterson, Benton) (Entered: 10/19/2017)
10/20/2017		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a proposed briefing schedule on or before November 3, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 10/20/2017. (lcrc3) (Entered: 10/20/2017)
10/23/2017		Set/Reset Deadlines: Proposed Briefing Schedule due by 11/3/2017 (tj) (Entered: 10/23/2017)
11/03/2017	<u>11</u>	Joint STATUS REPORT and PROPOSED SCHEDULE by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 11/03/2017)
11/06/2017		MINUTE ORDER: Upon consideration of <u>11</u> the parties' joint status report, it is hereby ORDERED that Defendant shall be permitted to complete the processing and production of responsive records and that the parties shall submit a joint status report every 60 days following this Order. Signed by Judge Rudolph Contreras on 11/6/2017. (lcrc3) (Entered: 11/06/2017)
11/07/2017	<u>12</u>	ENTERED IN ERROR. . . . STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Townsend, Margaret) Modified on 11/8/2017 (td). (Entered: 11/07/2017)
11/08/2017		NOTICE OF CORRECTED DOCKET ENTRY: re <u>12</u> Status Report was entered in error PER COUNSEL and counsel refiled said pleading in the correct case. (td) (Entered: 11/08/2017)

01/05/2018	<u>13</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 01/05/2018)
01/08/2018		MINUTE ORDER: Upon consideration of <u>13</u> the parties' joint status report, it is hereby ORDERED that the parties shall submit a joint status report on March 6, 2018 and once every 60 days thereafter to report on the progress of the processing and production of records responsive to Plaintiff's FOIA requests. SO ORDERED. Signed by Judge Rudolph Contreras on 1/8/2018. (lcrc3) (Entered: 01/08/2018)
03/06/2018	<u>14</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 03/06/2018)
03/07/2018		MINUTE ORDER: Upon consideration of <u>14</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a joint status report on or before May 5, 2018, providing an update on the status of the matter and stating whether briefing will be necessary and, if so, proposing a schedule. SO ORDERED. Signed by Judge Rudolph Contreras on 3/7/2018. (lcrc3) (Entered: 03/07/2018)
03/08/2018		Set/Reset Deadlines: Status Report due by 5/5/2018. (tj) (Entered: 03/08/2018)
05/04/2018	<u>15</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 05/04/2018)
05/04/2018		MINUTE ORDER: Upon consideration of <u>15</u> the parties' joint status report, it is hereby ORDERED that the parties shall submit a joint status report on July 3, 2018 providing an update on the status of the matter and stating whether briefing will be necessary and, if so, proposing a schedule. SO ORDERED. Signed by Judge Rudolph Contreras on May 4, 2018. (lcrc3) (Entered: 05/04/2018)
07/03/2018	<u>16</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 07/03/2018)
07/05/2018		MINUTE ORDER: Upon consideration of <u>16</u> the parties' joint status report, it is hereby ORDERED that the parties shall submit another joint status report on or before September 3, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on July 5, 2018. (lcrc3) (Entered: 07/05/2018)
07/06/2018		Set/Reset Deadlines: Joint Status Report due by 9/3/2018 (hs) (Entered: 07/06/2018)
09/04/2018	<u>17</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Atwood, Amy) (Entered: 09/04/2018)
09/05/2018		MINUTE ORDER: Upon consideration of <u>17</u> the parties' joint status report, it is hereby ORDERED that the parties shall submit another joint status report on or before October 4, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on September 5, 2018. (lcrc3) (Entered: 09/05/2018)
09/12/2018		Set/Reset Deadlines: Status Report due by 10/4/2018 (tj) (Entered: 09/12/2018)
10/04/2018	<u>18</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 10/04/2018)
10/09/2018		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before November 6, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on October 9, 2018. (lcrc3) (Entered: 10/09/2018)
11/06/2018	<u>19</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 11/06/2018)
11/06/2018		MINUTE ORDER: Upon consideration of <u>19</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before December 7, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on November 6, 2018. (lcrc3) (Entered: 11/06/2018)
12/07/2018	<u>20</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 12/07/2018)
12/08/2018		MINUTE ORDER: Upon consideration of <u>20</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before

		January 9, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on December 7, 2018. (lcrc3) (Entered: 12/08/2018)
12/10/2018		Set/Reset Deadlines: Status Report due by 1/9/2019 (tj) (Entered: 12/10/2018)
01/04/2019	<u>21</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/04/2019)
01/23/2019		MINUTE ORDER granting <u>21</u> Defendant's Motion to Stay. It is hereby ORDERED that this action is stayed until appropriations are restored to the Department of Justice and the Department of Interior. It is FURTHER ORDERED that the joint status report previously due on January 9, 2019 shall now be due within 7 days of Congress restoring appropriations. SO ORDERED. Signed by Judge Rudolph Contreras on January 23, 2019. (lcrc3) (Entered: 01/23/2019)
02/01/2019	<u>22</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit another joint status report on or before February 8, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on February 1, 2019. (lcrc3) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Status Report due by 2/8/2019 (tj) (Entered: 02/05/2019)
02/08/2019	<u>23</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: Upon consideration of <u>23</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before March 8, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on February 8, 2019. (lcrc3) (Entered: 02/08/2019)
03/01/2019		Set/Reset Deadlines: Status Report due by 3/8/2019 (tj) (Entered: 03/01/2019)
03/05/2019	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of U.S. DEPARTMENT OF THE INTERIOR Substituting for attorney Benton Peterson (Hair, Christopher) (Entered: 03/05/2019)
03/08/2019	<u>25</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 03/08/2019)
03/08/2019		MINUTE ORDER: Upon consideration of <u>25</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file a proposed case management order on or before March 22, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on March 8, 2019. (lcrc3) (Entered: 03/08/2019)
03/22/2019	<u>26</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 03/22/2019)
03/22/2019	<u>27</u>	MOTION to Compel <i>Production of Records Responsive to Plaintiff's FOIA Requests</i> by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Text of Proposed Order)(Townsend, Margaret) (Entered: 03/22/2019)
03/22/2019		MINUTE ORDER: Upon consideration of <u>26</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before May 1, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on March 22, 2019. (lcrc3) (Entered: 03/22/2019)
04/05/2019	<u>28</u>	Memorandum in opposition to re <u>27</u> MOTION to Compel <i>Production of Records Responsive to Plaintiff's FOIA Requests</i> filed by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Declaration of Clarice Julka)(Hair, Christopher) (Entered: 04/05/2019)
04/09/2019		Set/Reset Deadlines: Status Report due by 5/1/2019 (tj) (Entered: 04/09/2019)
04/26/2019	<u>29</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 04/26/2019)

04/26/2019		MINUTE ORDER: Upon consideration of <u>29</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report on or before June 30, 2019, and every 60 days thereafter. In the meantime, the Court is considering Plaintiff's motion to accelerate the production schedule. SO ORDERED. Signed by Judge Rudolph Contreras on April 26, 2019. (lcrc3) (Entered: 04/26/2019)
05/22/2019		Set/Reset Deadlines: Status Report due by 6/30/2019 (tj) (Entered: 05/22/2019)
06/28/2019	<u>30</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Townsend, Margaret) (Entered: 06/28/2019)
07/23/2019		MINUTE ORDER granting in part <u>27</u> Plaintiff Center for Biological Diversity's Motion to Compel Production of Records Responsive to Plaintiff's FOIA Requests. It is hereby ORDERED that Defendant shall process an additional 500 pages of records responsive to Plaintiff's FOIA requests each month. These 500 pages are to be processed in addition to the collective 1500-page processing rate for monument-related FOIA requests generally, and in addition to the specific production rate of 1500 pages for records related to the Grand Staircase-Escalante National Monument, as required by Case No. 17-cv-2825. In processing the above-described additional 500 pages of records each month, it is FURTHER ORDERED that Defendant shall process in priority records related to Plaintiff's FOIA request regarding national monuments in Nevada (OS-2017-00793) and records related to the modification of Bears Ears National Monument and the Grand Staircase Escalante National Monument. It is FURTHER ORDERED that the parties are to continue submitting status reports every 60 days. It is FURTHER ORDERED that the next status report must include a statement from the Department of the Interior's Office of the Secretary's FOIA Director indicating the number of FTE (full time equivalent) positions devoted to processing FOIA requests for the prior three-month period, and all future status reports must include the same statement for the time period since the last report. SO ORDERED. Signed by Judge Rudolph Contreras on July 23, 2019. (lcrc3) (Entered: 07/23/2019)